IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16606 of 2004

Between:

1. D.Narasimha, S/o Narasaiah,A.P.State Warehousing Corporation Limited, Chengicherla Warehouse (IG),Ranga Reddy District
2. K.Rambabu, S/o Late K.Ramulu, A.P.State Warehousing Corporation Limited, Ware House, Narasaraopet,Guntur District
3.Ch.Rama Rao, S/o Late Venkataramaiah, A.P.State Warehousing Corporation Limited, Akiveedu-I Ware House, Akiveedu,
West Godavari District
4.T.Rathuramaiah, S/o late Seshachalamaiah,
A.P.State Warehousing Corporation Limited, Gadwal (Investor
Godown), Mahabubnagar District
5. Ch.Umamaheswar Rao, S/o Chenchaiah, A.P.State Warehousing Corporation Limited, IG, Ramachandrapuram, East Godavari District
6 C.Anjaneyulu, S/o Mastanappa, A.P.State Warehousing Corporation Limited, IG, Janagaon, Warangal District
7. M.Venkateswarlu, S/o Venkata Swamy,
A.P.State Warehousing Corporation Limited, IG, Kurnool
8 P.Rajaiah, S/o Late P.Ramudu, A.P.State Warehousing Corporation Limited, IG, Kadapa
9 Ch.Srinivasa Rao, S/o Late Ch.Yellamanda,
A.P.State Warehousing Corporation Limited, Ware House, Repalle,
Guntur District
10. K.Ramakrishnudu, S/o K.Rangaiah,
A.P.State Warehousing Corporation Limited, Ware House, Chittoor

..... PETITIONERS

AND

1 Government of Andhra Pradesh represented by its Principal Secretary, Food, Agriculture & Marketing Dept.
Secretariat, Hyderabad
2 A.P.State Warehousing Corporation Limited, represented by its Managing Director, Second Floor, Warehousing Sadan, Near Gandhi Bhavan,
Nampally, Hyderabad

3 Mohd.John Pasha, S/o A.P.State Warehousing Corporation Limited, Kodad-I Ware House, Kodad, Nalgonda District
4 T.Mallaiah, S/o …., A.P.State Warehousing Corporation Limited, Ware House, Jagityal, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to for the reasons stated in the accompanying affidavit it is just and necessary that this Hon'ble Court may be pleased call for the records relating to the proceedings of the 2nd respondent bearing No.SWC/E4/7016/99, dated 6-1-2004 and set aside the same as illegal, contrary to the orders of this Hon'ble Court and discriminatory by issuing appropriate Writ, order or direction more particularly in the nature of Mandamus and further declare the amendment to Appendix - III of Regulation 6 as notified in Lr.No.1846/Mktg I (1) 2003-I, dated 25-07-2003 of the 1st respondent as prospective and is not applicable to the petitioners and consequently direct 2nd respondent to consider the case of the petitioners for promotion to the post of Junior Assistant in preference to 3rd and 4th respondents with all consequential benefits

Counsel for the Petitioner:MR.K.RAMA SUBBA RAO

Counsel for the Respondent No.1. : G.P. for Food & Agriculture

Counsel for the Respondent No.2: Sri G. Bhaskar

Counsel for the Respondent Nos 3 and 4:

The Court made the following :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 16606 of 2004

ORDER:

The petitioners are contending that they entered into the service of the 2nd respondent on 01.09.1987 as guards-cum-peons. As per the Rules of the Andhra Pradesh State Warehousing Corporation Regulations, 1965, they are entitled to be considered for promotion as Junior Assistants on the basis of their educational qualifications and experience. They passed S.S.C examination as required under Appendix-III of Regulation No.6. The petitioners further contend that though the regulations were amended in 1987 fixing the Intermediate qualification as the minimum qualification for appointment as a Junior Assistant for service candidates, the provision is not applicable to them, since they were appointed prior to the date of the amendment i.e., 29.10.1987. The petitioners are contending that they are at serial Nos.163, 174, 179, 181, 182, 183, 188, 189, 192 and 197 in the provisional seniority list of Guards-cum-Peons and the final list of seniority has not yet been prepared. The grievance of the petitioners is that though the 3rd respondent is at serial No.209, who is junior to them, he was appointed by the 2nd respondent as a Junior Assistant along with one T. Mallaiah (4th respondent) a driver, as per the order of this Court in W.P.No.26909 of 1999 passed on 03.08. 2001 by holding that the S.S.C qualification with minimum length of service is sufficient to consider the cases of the respondents 3 and 4 herein. The petitioners, being not considered by the second respondent for promotion, approached this Court through this writ petition seeking a direction to the 2nd respondent to consider their cases for promotion as Junior Assistants with all consequential benefits.

The petitioners are contending that the 3rd respondent, who belongs to the same category, is junior to them. They possess the requisite qualifications for promotion as Junior Assistants, and their grievance is that they are not being considered by the 2nd respondent for promotion.

In the light of the facts and circumstances of the case, the 2nd respondent is directed to examine the claim of the petitioners for promotion as Junior Assistants, keeping in view their places in the seniority list and their experience, according to

the Rules, within two months from the date of the receipt of the copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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Dr. G.YETHIRAJULU,J

Dt. 20th September, 2004.

Note:

Issue C.C. within two days

(By Order)

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Copy to

1. The Principal Secretary,
   Government of Andhra Pradesh,,
   Food, Agirculture & Marketing Department,
   Secretariat, Hyderabad
2. The Managing Director,
   A.P.State Warehousing Corporation Limtied,
   Second Flor, Warehousing Sadan, Near Gandhi Bhavan,
   Nampally, Hyderabad.
3. 2 Copies to the Government Pelader for Food & Agriculture,
   High Court of A.P. Buildings, High Court, Hyderabad, (O.U.T.)
4. 2 C.D. Copies.